



Order Filed on October 11, 2017
by Clerk U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

McCABE, WEISBERG & CONWAY, P.C.
By: Alexandra T. Garcia, Esq. (Atty.
L.D.#ATG4688)
216 Haddon Avenue, Suite 201
Westmont, NJ 08108
856-858-7080
Attorneys for Movant: Ditech Financial LLC

IN re:

Elizabeth T Corbo
Debtor

Case No.: 12-27807-JKS

Chapter: 13

Hearing Date: September 14, 2017
at 11:00 a.m.

Judge: John K. Sherwood

Recommended Local Form



Followed



Modified

**ORDER RESOLVING MOTION TO VACATE STAY
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**

DATED: October 11, 2017

A handwritten signature of John K. Sherwood in black ink, written over a horizontal line.

Honorable John K. Sherwood
United States Bankruptcy Court

Applicant: Ditech Financial LLC
Applicant's Counsel: Alexandra T. Garcia, Esq.
Property Involved ("Collateral") 16 Fernwood Court, Clifton, New Jersey 07011
Relief Sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 1 months, September 1, 2017
- ☒ The Debtor is overdue for 1 payment at \$2,099.52 per month.
- ☒ The Debtor has \$341.78 in suspense

Total Arrearages Due: \$1,757.74

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Beginning on October 1, 2017, Debtors shall begin repaying the remaining arrears of \$1,757.74 over a period of 6months. Debtor shall pay an additional monthly cure payment in the amount of \$292.96 from October 1, 2017 through and including March 1, 2018.
- ☒ Beginning on October 1, 2017, regular monthly mortgage payment shall continue to be made in the amount of \$2,099.52.
- ☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan.

The mortgagee's allowed secured claim shall be amended to include the capitalized post-petition payments listed in this Order to the Proof of Claim as filed. As a result of such capitalization, the Standing Chapter 13 Trustee shall adjust his/her records accordingly and make revised disbursements.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment: Ditech Financial LLC
1400 Turbine Dr., Suite 200
Rapid City, South Dakota 57709

☒ Regular monthly payment: Same as above

☒ Monthly cure payment: Same as above

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

6. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$181.00 and costs of 350.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

McCABE, WEISBERG & CONWAY, P.C.
By: Alexandra T. Garcia, Esq. (Atty.
I.D.#ATG4688)
216 Haddon Avenue, Suite 201
Westmont, NJ 08108
856-858-7080

Attorneys for Movant: Ditech Financial LLC

IN re:

Elizabeth T Corbo
Debtor

Case No.: 12-27807-JKS

Chapter: 13

Hearing Date: September 14, 2017
at 11:00 a.m.

Judge: John K. Sherwood

CERTIFICATION OF SERVICE

1. I, Tracy Gill:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Alexandra T. Garcia, Esq., who represents the Movant in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On October 5, 2017, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:

- Order Resolving Motion for Relief from the Automatic Stay
- Certification of Service

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: October 5, 2017

/s/ Tracy Gill
Signature

Case 12-27807-JKS Doc 53 Filed 10/11/17 Entered 10/11/17 10:11:56 Desc Main Document Page 5 of 5

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Elizabeth T Corbo 16 Fernwood Court Clifton, NJ 07011	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Russell L. Low Low & Low 505 Main St. Suite 304 Hackensack, New Jersey 07601	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, New Jersey 07004	Chapter 13 Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.

rev.4/24/12